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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 3 of 2007

Petitioner		Ku. Anubhuti Gupta, D/o Ashok Kumar Gupta, Aged about 20 years, R/o 306, Vinayak Nagar, Raipur, Tahsil & District Raipur (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through – Secretary, Higher Education Ministry, Secretariat, D.K.S. Bhavan, Raipur
	2.	Pt. Ravishankar Vishwa Vidyalaya Raipur, Through: Registrar, Raipur Distt. – Raipur (C.G.)
	3.	Vice Chancellor, Pt. Ravishankar Vishwa Vidyalaya, Raipur, Distt – Raipur (C.G.)
	4.	Principal, Raipur Institute of Technology, Distt – Raipur (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Y. C. Sharma, Advocate with Shri Thakur Anand Mohan Singh, Advocate for the petitioner.

Shri Utkarsh Verma, Govt. Advocate for the respondent No. 1.

Shri Kanak Tiwari, Senior Advocate with Shri Jitendra Pali, Advocate for the respondents No. 2 and 3.

Shri Sachin Singh Rajput, Advocate for the respondent No.4.

ORDER

(Passed on this 29th day of March, 2007)

1. The petitioner is pursuing her B.E. examination course in Information Technology, in Raipur Institute of Technology, Raipur, affiliated by the respondent No.2 University. The petitioner appeared in VI Semester examination held in May, 2006, conducted by the respondent No.2 University. The petitioner was declared as unqualified in the result dated 25.11.2006.

2. Learned counsel appearing for the petitioner submits that the petitioner has obtained 18 sessional marks in the practical

examination of the subject - Introduction to Java Programming IT-606. The respondent No.4 College by communication (Annexure R/2) entered the sessional marks as '8', instead of '18' obtained by the petitioner in the column of the marks obtained in the practical examination of the subject. The University, on the basis of '8' marks obtained by the petitioner in the said examination, found the petitioner as unqualified.

3. The respondent No.4/College, thereafter, vide communication dated 1.12.2006 (Annexure R/3), addressed to the Deputy Registrar (Confiential/Exam.)Pt. Ravishankar Shukla University, Raipur, submitted that by mistake the practical marks of the petitioner was erroneously entered by the teacher concerned as '8', in fact, the marks actually awarded to the petitioner was '18' in the practical examination of the subject – Introduction to Java Programming IT-606.

4. The facts in regard to the grant of '18' marks to the petitioner in the above subject is not in dispute. The college/respondent No.4 admits the clerical mistake crept in the document (Annexure R/2), showing Sessional Marks in Theory Subjects & Practicals for the session Jan-July,2005.

5. Shri Kanak Tiwari, learned Senior Advocate appearing for the respondents No. 2 and 3 with Shri Jitendra Pali, Advocate, though does not dispute the marks awarded to the petitioner, submits that the respondent No.4/college was informed vide letter dated 9.12.2006 (Annexure R-2,3/1) to appear in the office of the Vice Chancellor on 12.12.2006 at 2.00 p.m. along with all concerned records, despite that the respondent No.4 has not done the needful.

6. Be that as it may, it is admitted position that the petitioner was awarded '18' marks in the practical examination of the subject -

Introduction to Java Programming, on that basis the result of VI semester may be different than the result declared on 25.11.2006.

7. Accordingly, the petition is allowed. The respondent No. 2 is directed to publish the result of the petitioner after taking into consideration of '18' marks obtained by the petitioner in the practical examination of the subject – Introduction to Java Programming, within a period of 10 days from the date of receipt of a copy of this order.

8. The petitioner is entitled to all consequential benefits flowing from this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur